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March 28, 2008

The Honorable Joseph J. Farnan, Jr.  
United States District Judge  
District of Delaware  
844 King Street  
Wilmington, DE 19801

**Re: ICU Medical, Inc. v. RyMed Technologies, Inc.  
Case No. 07-468 (JJF)**

Dear Judge Farnan:

I represent defendant RyMed Technologies, Inc. ("RyMed"). I write in response to Mr. Horwitz's March 26, 2008 letter (D.I. 35). RyMed has no objection to setting a date for a scheduling conference to discuss this case with your Honor. However, before a meaningful discussion can be held and a reasonable schedule set, the parties need to understand the scope of this case.

RyMed's pending Motion for Reargument of Order Denying Motion to Transfer Venue (D.I. 25) seeks to have this Delaware case transferred to the Central District of California where it would be consolidated with a broader action filed by RyMed against ICU alleging patent, trademark and California state law tort claims. If RyMed's motion is granted, then this case would be transferred to California and there would be no need to set a schedule before this Court. If RyMed's motion is denied, then RyMed would most likely seek to file new counterclaims in this Delaware case, asserting here the same or similar patent, trademark and California tort claims now alleged in the California case. These new counterclaims would require significantly expanded discovery, including third party discovery and international depositions, which would not be necessary for the one-product patent claims presently pending before the Court. In other words, in order to discuss and set an appropriate schedule in this case, the Court and the parties need to understand the full scope of the claims that will be litigated. RyMed has made this position clear to ICU.

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RyMed respectfully submits that a scheduling conference be set approximately 30 days after this Court issues its ruling on RyMed's pending motion, so that the parties have sufficient time to confer about a proposed case schedule under Federal Rule of Civil Procedure 26(f).

Respectfully submitted,

*Richard D Kirk/abs*  
Richard D. Kirk (rk0922)

RDK/tn

cc: Counsel as shown on the attached certificate

**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that, on March 28, 2008, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

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The undersigned counsel further certifies that, on March 28, 2008, copies of the foregoing document were sent by email and hand to the above local counsel and by email and first class mail to the following non-registered participant:

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